

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

ALASKA AIRLINES, INC.,

Plaintiff,

v.

BRADLEY CAREY and CELESTE CAREY,  
and CAREY TRAVEL, INC., a Washington  
corporation,

Defendants,  
Counterclaimants, and Third  
Party Plaintiffs,

v.

POINTS INTERNATIONAL LTD.,

Third Party Defendant.

Case No. C07-5711RBL

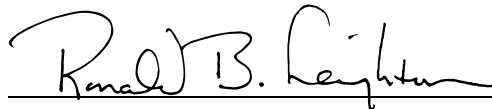
INTERIM ORDER

THIS MATTER is before the Court on Plaintiff's Motion for Costs and Attorneys' Fees [Dkt. #232]. The Court has reviewed the materials submitted for and against said motion. Oral argument is not required, at least at this stage of the proceeding. Based upon the Court's knowledge of the history of this litigation it is clear to the Court that plaintiff, Alaska Airlines, Inc., has prevailed on its Consumer Protection Act claims and is entitled to costs and reasonable attorneys' fees pursuant to RCW 19.86.090. The Court is equally

1 convinced, however, that the defendants' counterclaims and defenses were not so lacking in merit as to trigger  
2 an additional ground for an attorney fee award (frivolous claims) under RCW 4.84.185. The Court cannot  
3 say that the defendants' antitrust claims could not be supported by any rational argument. See *Bill of Rights*  
4 *Legal Foundation v. Evergreen State College*, 44 Wash. App. 690, 696-97 (1986).  
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6 In order that the Court may determine a reasonable fee award and, where appropriate, segregate fees  
7 subject to fee shifting from those that are not, plaintiff will submit to the Court the specific billing information  
8 and related supporting materials pertaining to reasonableness no later than January 15, 2010. Defendant can  
9 respond by January 22, 2010. Plaintiffs can file a reply by January 26, 2010. The Court will then follow up  
10 this Interim Order with a more detailed award of costs and attorney fees.  
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12 Dated this 28<sup>th</sup> day of December, 2009.  
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17 RONALD B. LEIGHTON  
18 UNITED STATES DISTRICT JUDGE  
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